

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: Nancy L. Saxon

SERIAL NO.: 10/658,306

GROUP ART:3616

FILED: 9/9/2003

EXAMINER: Ruth Ilan

FOR: REINFORCED TRACTOR-TRAILER SLIDER

ATTORNEY DOCKET NO: 60,130-1626/02MRA0440

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPEAL BRIEF-REVISED

Subsequent to the Notice of Appeal express mailed to the Patent and Trademark Office on October 2, 2006, Appellant now submits its Brief. Fees in the amount of \$500.00 should be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, PC. If any further fees are necessary, you are hereby authorized to charge the deposit account above.

Appellant is now submitting a revised appeal brief in response to the paper mailed on March 19, 2007. The Examiner asserts that the Summary of the Claimed Subject Mater section is improper since it does not “only discuss the claimed subject matter, so as to be concise and only map the limitations of the independent claims.” This is in required by the Rules. The Appellant’s brief summary does not provide extraneous information, but rather makes that section useful for the Board in that it can stand on its own. Further, the text is taken from the Specification. Nonetheless, the Appellant has deleted a few of the sentences from the Summary to make it more “consise.” The Appellant’s reading of the Rules requires the summary of dependent claim 19.

REAL PARTY IN INTEREST

The real party in interest ArvinMeritor Technology, LLC is the Assignee of all right and title in this Application from the inventors, and this assignment was recorded on September 9, 2003 at Reel/Frame 014479/0578.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-26 are presently pending in the application. Claim 14 is in independent form. Claims 14 and 16-26 stand finally rejected under §103.

Claims 1-13 and 15 are withdrawn and depend from independent claim 14.

STATUS OF AMENDMENTS

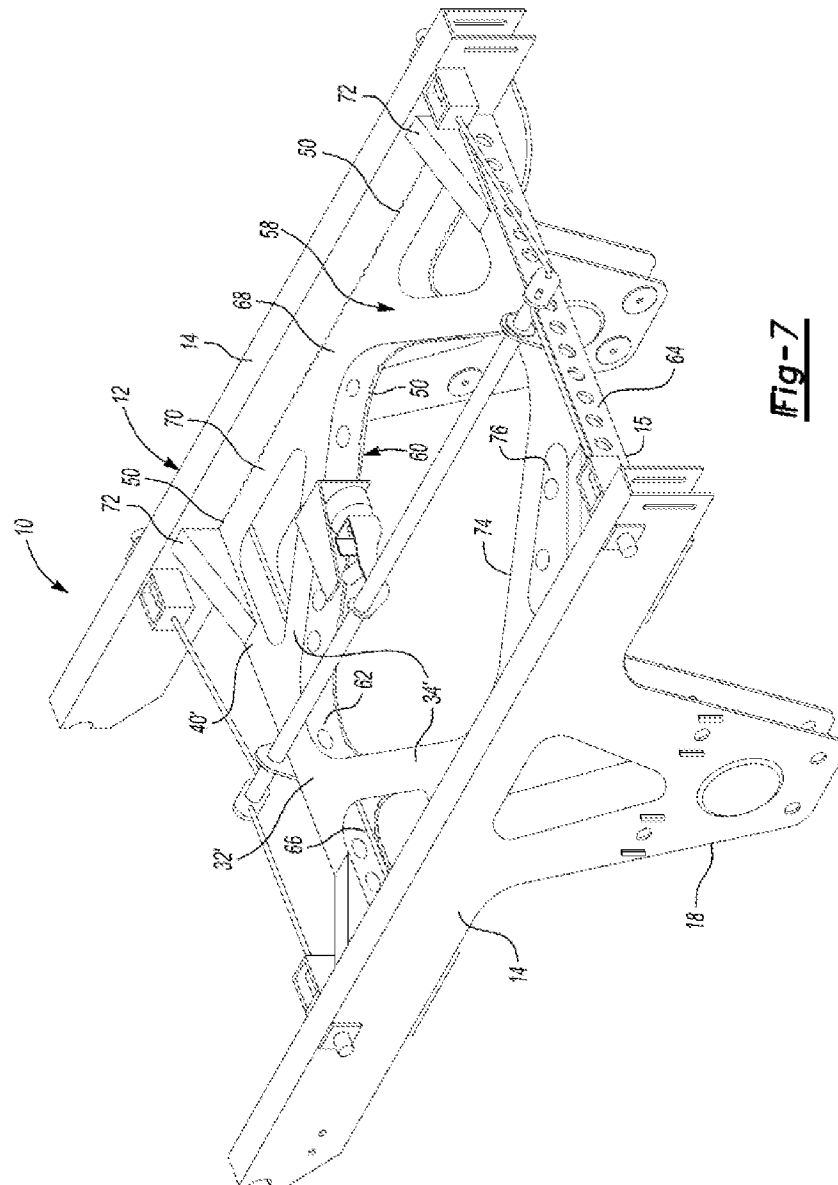
An Amendment was filed on April 5, 2006, and that amendment has been entered.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent Claim 14:

An example slider frame 12 is shown in Figure 7 (below) and described in paragraph 27 of the Specification (page 7, line 18-page 8, line 4). The slider frame 12 includes longitudinal members 14 with a structure 15 interconnecting the longitudinal members 14. The structure 15 may be formed by spaced apart first 58 and second 60 horizontal plates secured to one another

by vertical members 62, 64, and 66. The plate 58 and 60 form a continuous wall that defines angled portions 34' that converge to a central portion 32'.



Referring to paragraph 33 (page 9, lines 3-9), the example longitudinal members 14 of Figure 7 are bent in a U-shaped with the hangers 18 integrally formed with the longitudinal members 14. That is, the hangers 18 and longitudinal members 14 are bent in a U-shape from a

single sheet of metal, which enhances the structural rigidity of the longitudinal members 14 and hangers 18.

Dependent Claim 19:

Referring to paragraph 30 (page 8, lines 13-16), braces 72 may be secured between the structure 15 and the longitudinal member 14 to further increase the structural rigidity of the slider assembly 10. For the embodiment shown in Figure 7, the braces 72 are secured between the lateral portions 40' of the plate 58 and the longitudinal members 14 by weld beads 50. The braces are visibly triangular in shape and U-shaped from Figure 7.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the following grounds of rejection:

- I. The rejection of Claim 14 under §103 over Robey in view of Vandenberg.
- II. The rejection of Claim 14 under §103 over Christenson in view of Hutchens.
- III. The rejection of Claim 19 under §103 over Christenson in view of Hutchens in further view of Garcia and Pierce.

ARGUMENTS

I. There is no motivation to modify Robey to provide the hangers of Vandenberg.

Claims 14 and 16 were rejected under § 103 over Robey in view of VanDenberg. Robey does not disclose downwardly depending hangers for supporting forward and rearward suspension assemblies. The Examiner argues that it would be obvious to modify Robey with the hangers taught in VanDenberg “to provide a tandem axle that is roll stable and resistant to lateral deflection.” The Examiner references Column 1, Lines 7-14 of VanDenberg in support of this

motivation. The Examiner's rejection is improper because the Examiner has taken the stated motivation out of context.

As discussed in column 1, lines 7-14 of VanDenberg, the VanDenberg invention relates to a parallelogram suspension system, which is roll stable and resistant to lateral deflection. However, this feature does not arise from the presence of hangers. Rather, VanDenberg clearly teaches that this advantage is the result of the stabilizer bar 31 and bushings 63 and 68. See for example, col. 6, lines 39-48; col. 7, lines 16-27, lines 34-42; and col. 8, lines 17-21. As a result, the Examiner's implication that the roll stability, which is the argued motivation, is somehow attributable to the hangers is false. The Examiner cannot generously attribute advantages discussed in Vandenberg to any component he wishes—especially given the specific teachings of Vandenberg. The Examiner fails to address this significant point, which is fatal to the obviousness rejection, in the September 14, 2006 Advisory Action. Instead, the Examiner argues, without support, “the use of the hangar [sic]...would follow logically and obviously.” Appellant has rebutted the Examiner's initial finding of obviousness, and the Examiner has failed to support a prima facie case of obviousness.

Additionally, as an aside, parallelogram suspensions may be used without hangers. In reply, the Examiner argues that “Vandenberg does not teach the parallelogram suspension may be used without a hanger.” While this statement is not pertinent to the obviousness rejection at issue, it is hardly accurate. Parallelogram suspensions have been used widely on vehicles such as passenger cars and race cars for many decades. Such suspension arrangements can be readily found in vehicle dynamic textbooks, for example.

For at least these reasons argued above, the motivation and rejection is improper and must be withdrawn.

II. There is no motivation to modify Christenson to provide the hangers of Hutchens.

Claims 14, 16 and 21-23 were rejected under § 103 over Christenson in view of Hutchens. Christenson fails to teach the claimed downwardly depending hangers. The Examiner relies upon Hutchens for these hangers and argues that it would be obvious to modify Christenson to produce a “suspension unit with a minimum number of parts and fabricating steps.” The rejection is improper because the hangers of Hutchens would serve no benefit to Christenson.

Christenson teaches a suspension arrangement (shown in Figure 7) having suspension mounts 86 and suspension members 87 suitable for use in the stretch trailer mixer disclosed in Christenson. Christenson does not even indicate what the suspension configuration is or how it is secured to the frame. And yet, the Examiner conveniently assumes not only that the hanger is suitable for Christenson, but that Christenson would somehow benefit from hangers. The Examiner is picking and choosing elements to make the rejection. There is nothing in either reference that indicates the hangers of Hutchens would be an improvement to Christenson suspension (whatever it is) or that Christenson would in any way benefit from the hangers of Hutchens. More must be known of the Christenson arrangement. Otherwise, is it the Examiner’s position that Christenson teaches that every vehicle suspension arrangement should use, and would benefit from, downwardly depending hangers? Surely not. However, this is exactly the logic used to make the obviousness rejection. Accordingly, the rejection is improper and must be withdrawn.

III. There is no motivation to modify either Christenson, Hutchens or Garcia with the triangular-shaped braces of Pierce.

Claim 19 was rejected under § 103 over Christenson in view of Hutchens and Garcia in

further view of Pierce. Claim 19 recites triangular-shaped braces having a U-shaped cross-section secured between lateral portions of first and second plates and first and second spaced apart longitudinal members. While Pierce may disclose triangular-shaped braces, it only discloses them used in the open portion of each main member 121 (col. 6, lines 33-34). Nothing in Pierce would suggest or motivate one of ordinary skill to incorporate the triangular-shaped braces at the location required by Claim 19. Without such a motivation as to location of these braces, the rejection is improper. Claim 19 requires the braces in a particular location, which is not obvious in view of the teachings of Pierce.

CLOSING

For the reasons set forth above, the final rejection of all claims is improper and must be reversed. An early indication of such is earnestly solicited.

Respectfully submitted,

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Dated: April 23, 2007

CLAIMS APPENDIX

1. (Withdrawn) The slider according to claim 15, wherein said continuous wall comprises a bent lateral member having said central portion adjoining opposing said first and second angled portions at an angle relative to said central portion, said first and second angled portions each having end portions spaced from said central portion respectively secured to said first and second spaced apart longitudinal members, and first and second legs respectively secured between said central portion and said first spaced apart longitudinal member and said central portion and said second spaced apart longitudinal member.
2. (Withdrawn) The slider according to claim 1, wherein said continuous wall has a generally uniform thickness.
3. (Withdrawn) The slider according to claim 2, wherein said bent lateral member includes a C-shaped cross-section.
4. (Withdrawn) The slider according to claim 3, wherein said C-shaped cross-section defines an open side with said open side facing toward a rearward portion of said suspension slider.
5. (Withdrawn) The slider according to claim 1, wherein said bent lateral member, said first and second legs, and first and second spaced apart longitudinal members are secured to one

another with weld beads.

6. (Withdrawn) The slider according to claim 1, wherein said central portion is arranged in a direction generally perpendicular to said first and second spaced apart longitudinal members.

7. (Withdrawn) The slider according to claim 1, wherein said first and second legs are arranged in a direction generally perpendicular to said first and second spaced apart longitudinal members.

8. (Withdrawn) The slider according to claim 1, wherein first and second legs form a generally continuous lateral member extending between said first and second spaced apart longitudinal members.

9. (Withdrawn) The slider according to claim 1, wherein said continuous wall is unbroken at bends adjoining said central portion and said first and second angled portions.

10. (Withdrawn) The slider according to claim 1, wherein first and second bends in said continuous wall are respectively defined by a first and second intersections respectively at said first angled portion and said central portion and said second angled portion and said central portion.

11. (Withdrawn) The slider according to claim 10, wherein said bent lateral member includes a generally horizontal wall adjoining said continuous wall with a weld bead in a notched area of said generally horizontal wall at each of said first and second intersection.

12. (Withdrawn) The slider according to claim 1, wherein a pair of said bent lateral members are secured between said first and second spaced apart longitudinal members with said central portions of said pair of said bent lateral members being secured to one another forming an X-shape.

13. (Withdrawn) The slider according to claim 12, wherein said first and second legs form a generally continuous lateral member extending between said first and second spaced apart longitudinal member with said generally continuous lateral member extending between said first and second spaced apart longitudinal members at each of said end portions of said pair of said bent lateral members.

14. A suspension slider for a vehicle trailer comprising:

first and second spaced apart longitudinal members each including a downwardly depending hanger for supporting forward and rearward suspension assemblies; and

structure interconnecting said first and second spaced apart longitudinal members, said structure including a continuous wall forming first and second angled portions converging to a central portion, said continuous wall secured to said first and second spaced apart longitudinal members.

15. (Withdrawn) The slider according to claim 14, wherein said continuous wall is arranged generally vertical.

16. The slider according to claim 14, wherein said continuous wall is arranged generally horizontal.

17. The slider according to claim 16, wherein said continuous wall is defined by a first plate with a second plate spaced from said first plate, and a vertical member secured between said first and second plates.

18. The slider according to claim 17, wherein said continuous wall includes a lateral portion having end portions extending in opposing directions from said central portion.

19. The slider according to claim 18, wherein triangular-shaped braces having a U-shaped cross-section are secured between said lateral portions of said first and second plates and said first and second spaced apart longitudinal members.

20. The slider according to claim 18, wherein said continuous wall forms third and fourth angled portions converging to a second central portion, and a second lateral portion having second end portions extending in opposing directions from said second central portion.

21. The slider according to claim 14, wherein said downwardly depending hangers form an inverted U-shaped cross-section.

22. The slider according to claim 21, wherein said downwardly depending hangers are provided by a unitary wall.

23. The slider according to claim 21, wherein each of said downwardly depending hangers includes laterally spaced apart vertical walls adapted to support said forward and rearward suspension assemblies.

24. The slider according to claim 17, wherein said vertical member forms an I-beam with

said first and second plates.

25. The slider according to claim 17, wherein said vertical member includes a plurality of lightening holes.

26. The slider according to claim 17, wherein said vertical member is spaced from said first and second spaced apart longitudinal members.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.